

REMARKS

In the Office Action dated February 26, 2008, the Examiner rejected claims 41, 2-6, 8-13, and 24 as being unpatentable over U.S. Patent No. 6,390,311 to Belokin ("Belokin") in view of U.S. Patent No. 6,123,847 to Bene ("Bene"); rejected claims 15-18 and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over Belokin in view of Bene, further in view of U.S. Patent No. 6,355,161 to Shah et al. ("Shah"); rejected claims 42 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Belokin in view of U.S. Patent Publication No. 2002/0151804 to O'Mahony et al. ("O'Mahoney"); rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Belokin in view of O'Mahoney, further in view of Bene; rejected claims 49 and 37-40 under 35 U.S.C. § 103(a) as being unpatentable over Belokin in view of Shah; and objected to claims 23, 29, and 43-48 as being dependent upon a rejected base claim, but otherwise being allowable if rewritten in independent form including all of the limitations of the base claim.

By this Reply, Applicant has amended claims 21, 41, 42, 44, 45, and 49, canceled claim 43, and added new claims 50 and 51. Accordingly, claims 2-6, 8-13, 15-27, 29, 37-42, and 44-51 are currently pending.

Support for the changes to the claims and the new claims is self-evident from the originally filed disclosure, including the original claims. Independent claim 42 has been amended to include features of previous claim 43. New independent claim 50 includes, among other things, features from previously presented claims 41 and 23. New independent claim 51 includes, among other things, features from previously presented claims 42, 29, 22, and 21.

REJECTIONS UNDER § 103(a)

In the Office Action, the Examiner rejects claims 41, 2-6, 8-13, and 24 as being unpatentable over Belokin in view of Bene. Applicant respectfully requests that the Examiner withdraw the rejection.

As an initial matter, in the Office Action, the Examiner does not give patentable weight to claim element a “control unit reading and validating . . .” contending that “Applicant never claims that the control unit is *configured* to perform the claimed function, only that it does.” (Office Action at 10.) Therefore, Applicant has amended independent claim 41 to recite, amongst other things, “the control unit being further configured to read and validate . . .” (Emphasis added.)

The Examiner contends in the Office Action that Belokin discloses “a support device for liquid containers that is capable of being used with an extracorporeal blood machine, comprising a base body 12 and a support element 11/17, 12/17, wherein the support elements are slidable or rotatable around the base body, creating a horizontal displacement of part of the support elements with respect to the base body.” (Office Action at 2.) The Examiner concedes that Belokin does not disclose a weighing means. (Office Action at 3.) However, the Examiner contends that Bene discloses a “solution bag or container [that] comprises a hook that is attached to a balance 11 or weighing sensor (disposed above the container and means for hanging) that communicates with a controller 32 for controlling the fluid flow through the system (see columns 4-5).” (Office Action at 3.)

Bene discloses a calculation and control unit 32 that “receives information output by the measuring instruments of the system, for example the flow meters 20, 23, the

conductivity probes 19, 28 and the balance 11." (Col. 5, lines 19-22.) Bene further discloses that based on "the instructions received and the operating modes and algorithms which have been programmed, it drives the active components of the system." (Col. 5, lines 22-24.) However, neither Bene nor Belokin teaches, suggests, or discloses "the control unit being further configured to read and validate the signal proportional to the weight of the container only in the operative work condition of the support element," as recited in amended independent claim 41.

For at least the aforementioned reasons, amended independent claim 41 is allowable and the § 103 rejection should be withdrawn. Additionally, claims 2-6, 8-13, and 24 are allowable due at least to their dependence from amended independent claim 41 and due to their additional recitations of patentable subject matter. Applicant requests that the Examiner withdraw the § 103(a) rejection of dependent claims 2-6, 8-13, and 24.

The Examiner also rejects claims 15-18 and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over Belokin in view of Bene, further in view of Shah. The Examiner contends that Shah discloses "a motor 202 with an upper and lower limit sensor and assembly 208 that controls movement of the bottle from the loading position to the work position (see column 12, lines 1-50.)" (Office Action at 4.)

Applicant submits that Shah does not disclose, teach, or suggest "the control unit being further configured to read and validate the signal proportional to the weight of the container only in the operative work condition of the support element," as recited in amended independent claim 41, and thus does not remedy the deficiencies of Belokin

and Bene described above. For at least this reason the Examiner should withdraw the § 103(a) rejection of claims 15-18 and 19-20 and allow the claims.

Claims 42 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Belokin in view of O'Mahoney. In the Office Action, the Examiner indicated allowable subject matter by objecting to claim 43 as being dependent upon a rejected base claim, but allowable if rewritten in independent form. (Office Action at 9.) Applicant has amended independent claim 42 to include the elements of previous claim 43. Specifically, Applicant has amended independent claim 42 to include "at least one elongated arm horizontally slidable inside a corresponding horizontal guide of the base body in order to displace between the operative loading position and the operative work position." Accordingly, Applicant submits that amended independent claim 42 is now allowable and requests that the Examiner withdraw the rejection and allow the claim. Applicant also submits that claim 21 is also allowable due at least to its dependence from independent claim 42 and due to its additional recitations of patentable subject matter.

Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Belokin in view of O'Mahoney, further in view of Bene. Applicant submits that the claim 22 is allowable over the cited references at least due to its dependence from allowable independent claim 42 and due to its recitations of additional patentable subject matter.

The Examiner rejected claims 49 and 37-40 under 35 U.S.C. § 103(a) as being unpatentable over Belokin in view of Shah. The Examiner contends that Belokin discloses "a support device for liquid containers that is capable of being used with an extracorporeal blood machine, comprising a base body 12 and a support element 11/17,

12/17, wherein the support elements are slidable or rotatable around the base body, creating a horizontal displacement of part of the support elements with respect to the base body." (Office Action at 7.) The Examiner concedes that Belokin does not disclose a controller. (Office Action at 7.) However, the Examiner contends that Shah discloses "a motor 202 with an upper and lower limit sensor and assembly 208 that controls movement of the bottle from the loading position to the work position (see column 12, lines 1-50.)" (Office Action at 7-8.)

Applicant submits that Belokin and Shah do not disclose, teach, or suggest "a control unit configured to control the stop means to enable contemporary extraction only of a predetermined number of support elements of the support devices" (emphasis added), as recited in amended independent claim 49. By using the control recited in independent claim 49, the stability of the device is clearly increased due to the fact that it is not possible for the operator to contemporaneously extract all the support elements included in the apparatus. Loading of all the containers at the same time could decrease the stability of the device itself.

Accordingly, Applicant submits that independent claim 49 is now allowable and requests that the Examiner withdraw the rejection and allow the claim. Applicant also submits that claims 37-40 are also allowable due at least to their dependence from independent claim 49 and due to their additional recitations of patentable subject matter.

Finally, Applicant submits that new independent claims 50 and 51 are allowable. Independent claim 50 includes features recited in claims 41 and 23. The Examiner indicated that claim 23 includes allowable subject matter. (See Office Action at 9.) In

particular, Applicant submits that the cited references do not disclose or suggest, for example, a "control unit reading and validating the signal proportional to the weight of the container only in the operative work condition of the support element in which the means for hanging the container and the container are placed below the measuring balance," as recited in new independent claim 50. For at least these reasons, Applicant request that the Examiner allow independent claim 50.

Independent claim 51 includes features from claims 42, 29, 22, and 21, and the Examiner indicated that claim 29 contains allowable subject matter. (See Office Action at 9.) In particular, Applicant submits that the cited references do not disclose or suggest, for example, a "measuring balance being associable to a machine control unit, said machine control unit being provided with a CPU configured to receive a signal proportional to a weight provided by the measuring balance, said CPU being configured to validate said signal relating to the weight only when the support element is in the operative work position," as recited in new independent claim 51. For at least these reasons, Applicant request that the Examiner allow independent claim 51.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: /Aaron L. Parker/
Aaron L. Parker
Reg. No. 50,785